

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH
NORTHERN DIVISION

UNITED STATES OF AMERICA,
Plaintiff,

vs.

LUIS ALFONSO PEREZ, REFUGIO
LOPEZ, NICHOLAS PEREZ-LLAANEZ,
JESUS BAUTISTA-INFANTE,
Defendants.

MEMORANDUM DECISION AND
ORDER GRANTING FIRST
MOTION TO CONTINUE TRIAL
AND EXCLUDING TIME

Case No. 1:10-CR-124 TS

Defendant Perez moves to continue the December 27, 2010 jury trial because more time is required to prepare for trial in this multi-defendant case. Defendants Bautista-Infante, Perez-Llaanez, and Perez join in the Motion. The government has no objection. The Court notes that Defendant Lopez has a Motion to Suppress set for hearing on January 18, 2001 and has a pending motion for a *James* hearing that will be set the same time. Some time is excludable due to those pending motions. The Court finds that the issue of suppression of evidence as to Defendant Lopez and the issue of the admissibility and/or use of any alleged co-conspirator statements under *James* are issues that need

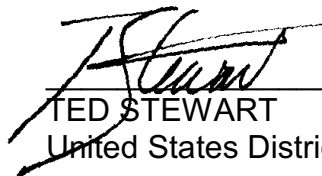
resolution in order for counsel to be able to effectively prepare for trial. The Court finds that to deny the motion under these circumstances would deny counsel for all of the Defendants the time necessary for effective preparation, taking into account due diligence. The Court further finds that the ends of justice served by determining the above issues prior to trial outweigh the interests of the Defendants and the public in a speed trial. It is therefore

ORDERED that the Motion to Continue (Docket No. 44) and the Motions for Joinder (Docket Nos. 45, 46, and 47) are GRANTED. It is further

ORDERED that the time from the filing of the Motions to Suppress and for a *James* Hearing to the date of a new trial is excluded in computing the time within which the trial of any offense must commence pursuant to 18 U.S.C. § 3161(h)(1)(D) and (h)(7)(A) and (B)(iv).

DATED December 14, 2010.

BY THE COURT:


TED STEWART
United States District Judge